**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.25556 OF 2005

DATED 07th DECEMBER, 2006

BETWEEN:

Abdullah Khan and others

… Petitioners

AND

The District Collector, Ranga Reddy district at Lakdi-ka-pool, Hyderabad and another.

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.25556 OF 2005

**ORDER:**

The writ petition is filed challenging the Memo, dated 26.06.2004, issued by the second respondent whereunder the petitioners were informed that their request for payment of compensation as permanent tenants cannot be considered under the provisions of A.P. (Telangana Area) Abolition of Inams Act, 1955 (Inams Act, for brevity).

The brief fact of the matter is as follows. The land comprised in survey Nos.1 to 31 known as Hussaini Bowli Mandi constituted at Malkajiguda, hamlet of Nandi Wanaparthy village of Ibrahimpatnam Mandal of Ranga Reddy District allegedly belonged to Qurban Hussain Khan, the original Maktadar. He leased out the land to Ahmed Khan on 30.04.1329F (1919 AD). The lessee died issueless leaving behind two brothers, namely, Ismail Khan and Mahboob Khan. Petitioners 1 to 3 are sons of Mahboob Khan and petitioner No.4 is son of Ibrahim Khan and petitioner No.5 is wife of Ibrahim Khan. These persons made an application to the respondents on 10.12.2002 claiming themselves to be Kabiz-e-kadim and requested appropriate action under the provisions of Inams Act for compensation and also for issuance of Occupancy Rights Certificate (ORC). The same was rejected by impugned memo.

Learned counsel for the petitioner submits that Sections 4(3), 5(2), 6(2), 7(2) and 8(2) of the Inams Act provide that the inamdar, kabiz-e-kadim, the permanent tenant, the protected tenant and the non-protected tenant respectively shall be entitled to compensation from the Government under the Inams Act in respect of inams lands in excess of one family holding. He also points out that the compensation has to be determined by the District Collector under Section 17 in accordance with the provisions of Section 14 to 16 read with Rule 7 of A.P. (Telangana Area) Abolition of Inams Rules, 1975. He would therefore urge that the rejection order passed by the second respondent is without jurisdiction. The learned Assistant Government Pleader does not dispute the legal position.

The petitioners herein claimed to be successors/legal heris of kabize-e-kadim. Therefore, under Section 5(2) of the Inams Act, kabize-e-kadim shall be entitled to compensation for the inam lands in excess of family holding. The power to determine such compensation is vested in the District Collector and therefore, District Collector alone can determine the compensation. Insofar as the ORC is concerned,

competent authority is Revenue Divisional Officer but in this case, counsel for the petitioners restricts the claim only for compensation, and therefore, the matter has to go back to the District Collector.

The writ petition is disposed of. The impugned Memo is set aside and the matter is remitted to the District Collector. The second respondent shall send the representation/application of the petitioners along with record to the District Collector, Ranga Reddy District, who shall decide the matter after giving notice to the petitioners. This exercise may be completed within a period of six months from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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**(V.V.S.RAO,J)**

07.12.2006.
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